

The consequence was, that the school committees, as a general rule, made no estimate or report of the amount necessary to maintain schools. The county commissioners, generally, did not order a tax for building, repairing and turnishing school houses. The old school houses were allowed to go to decay. Very few new ones were built.

In the few instances in which the school committees did make the estimate and report to the township trustees, and the question of levying the tax for school purposes was submitted to a vote of the township, the people, without regard to party, voted against the tax almost unanimously.

It became a question whether the county commissioners should levy the tax upon a township after the people had voted against it. By section 7, art. 7, of the Constitution: "No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein." If the support of public schools were part of "the necessary expenses" of the county or townships within the meaning of the Constitution, the tax should have been levied without, or even against the vote of the people; otherwise it should have been levied only by a vote of the qualified voters. The question was brought before the Supreme Court at January term, 1871, in the case of James S. Lane and others v. E. R. Stanly and others.

"The complaint in the case alleged that the school committee of township No. 3, in Craven county, made an estimate of the expense necessary to provide for schools to be taught during the year 1870, which estimate was reported to the board of trustees of the township, and was thereupon submitted to a vote of the qualified voters of the township, a majority of whom voted against it; that after the election the estimate was forwarded by the trustees of the township to the county commissioners, who proceeded to levy a tax for the expenses of a school in the township upon the property therein, and